

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FRACTUS, S.A.,

Plaintiff,

VS.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

Civil Action No. 6:09cv203

JURY TRIAL DEMANDED

**DECLARATION OF MATTHEW BEHNCKE IN SUPPORT OF
PLAINTIFF FRACTUS, S.A.'S MOTION FOR PROTECTIVE ORDER/MOTION TO
QUASH THE DEPOSITION OF INTELLECTUAL VENTURES AND OTHER LATE-
NOTICED DEPOSITIONS**

I, Matthew Behncke, declare as follows:

1. I am an attorney with Susman Godfrey L.L.P. I represent Fractus, S.A., in the above-captioned matter. I make this declaration upon my own personal knowledge, and would testify competently to the matters herein if called to do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of a document subpoena issued to Intellectual Ventures.

3. Attached hereto as Exhibit 2 is a true and correct copy of an email from Yvonne Chen from December 2, 2010.

4. Attached hereto as Exhibit 3 is a true and correct copy of an email from Yvonne Chen from December 9, 2010.

5. Attached hereto as Exhibit 4 is a true and correct copy of an email from Bernard Shek from January 12, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of an email exchange between David Tobin and Justin Nelson, ending on January 12, 2011.

7. Attached hereto as Exhibit 6 is a true and correct copy of a document subpoena issued to Altitude Capital Partners.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 21st day of January, 2011, in Houston, Texas.

/s/ Matthew Behncke
Matthew Behncke